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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,655	12/10/2001	Marvin R. Hamrick	BS99-092-CON	2330

28970 7590 06/22/2004

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EXAMINER

TO, TUAN C

ART UNIT	PAPER NUMBER
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3663

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/006,655

Applicant(s)

HAMRICK ET AL.

Examiner

Tuan C To

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2001 and 23 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 31-91 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-91 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 07/07/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

- a. The disclosure is objected to because of the following informalities:

Neither the "Brief Description of the Drawings" section nor the "Detailed Description of Preferred Embodiments of the Invention" section includes the figures 14A and 14B.

Appropriate correction is required.

- b. The continuation data provided by the applicant received on 04/23/2004 is not consistent with the PTO records. The current application is a Continuation of U.S. patent number 6,356,841 (copending U.S. application number 09/474,368, filed December 29, 1999), which is incorporated by reference in its entirety.

Appropriate correction is required.

### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double

patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 36-45, 51-57, 58, 60-76, and 81-91 are rejected under the judicially created doctrine of double patenting over claims 1-50 of U. S. Patent No. 6,356,841 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

- a. The GPS receiver of the remote unit communicates with a central location by transmitting the GPS data to the central location where said data is compared to a predetermined parameter having range of acceptable values (see claim 17 of U.S. Patent No. '841).
- b. If the predetermined parameter is outside the range of acceptable values, the system notes an exception (see claim 17 of U.S. Patent No. '841).
- c. The GPS receiver for receiving vehicle location information (see claim 17 of U.S. Patent No. '841).
- d. A processor is in communication with said GPS receiver (see claim 17 of U.S. Patent No. '841)

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e. The processor mentioned above performs a comparison the vehicle location to a predefined parameter and to note an exception based on the comparison (see claim 17 of U.S. Patent No. '841).

f. The processor determines the length of time the vehicle is stationary, and compares said time to a predetermined stationary time. The systems notes an exception if the length of time the vehicle remains stationary is greater than the predetermined stationary time (see claims 1 and 6 of U.S. Patent No. 841).

g. The remote unit comprises the GPS receiver for receiving GPS data and use said data to generate an actual value for a predetermined parameter. For example, actual speed is an actual value, which is compared to a predetermined speed and if the actual speed is greater than the predetermined speed, the system notes an exception (see claims 29 and 30 of U.S. Patent No. '841).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 31-35, 46-50, 59, and 77-80 are rejected under 35 U.S.C. 102(a) as being anticipated by Westerlage et al. (U.S. 5987377A).

Claim 31:

With respect to claim 31, the reference to Westerlage et al. has been cited as disclosing a system and method for monitoring a vehicle from a dispatch. Said vehicle is equipped with a mobile unit includes a dispatch remotely located from the vehicle (Westerlage et al., column 1, lines 44-65). As clearly illustrated by Westerlage et al, the dispatch (20) (Westerlage et al, figure 1, dispatch 20) is remotely located from the vehicle (40) generates destination information and transmits such the information to the vehicle. The destination information includes one or more destination, appointment information, tasks should be done, etc. (Westerlage et al, column 3, lines 1-12). In addition, Westerlage et al. teach the following: determining whether the vehicle has reached a waypoint, whether the vehicle is still in route or out of route condition. If the vehicle is off route, the vehicle operator will receive the destination information regarding the expected arrival time at one destination or a plurality of destination. These arrival times may be changed due to the off route condition or other reasons (Westerlage et al, figure 4; column 9, lines 55-65; column 10, lines 24-42).

With regard to claims 32-34, Westerlage et al explains that the destination information transmitted from the dispatch includes a plurality of destinations. For example, the display (60), as shown in figure 4 of Westerlage et al., displays four different destinations; each destination comes with its the address, appointment time, task description, and expected time. The expected time shows that the vehicle operator is late, that is meant an exception is indicated.

With regard to claim 35, as represented above, Westerlage et al. disclose a display for displaying destination information regarding the appointment time, and the expected arrival time for each destination.

Claim 46:

With respect to claim 46, the reference to Westerlage et al. has been cited as disclosing a system and method for monitoring a vehicle from a dispatch. Said vehicle is equipped with a mobile unit includes a dispatch remotely located from the vehicle (Westerlage et al., column 1, lines 44-65). As clearly illustrated by Westerlage et al, the dispatch (20) (Westerlage et al, figure 1, dispatch 20) is remotely located from the vehicle (40) generates destination information and transmits such the information to the vehicle. The destination information includes one or more destination, appointment information, tasks should be done, etc. (Westerlage et al, column 3, lines 1-12). In addition, Westerlage et al. teach the following: determining whether the vehicle has reached a waypoint, whether the vehicle is still in route or out of route condition. If the vehicle is off route, the vehicle operator will receive the destination information regarding the expected arrival time at one destination or a plurality of destination. These arrival times may be changed due to the off route condition or other reasons (Westerlage et al, figure 4; column 9, lines 55-65; column 10, lines 24-42).

With regard to claims 47-49, Westerlage et al explains that the destination information transmitted from the dispatch includes a plurality of destinations. For example, the display (60), as shown in figure 4 of Westerlage et al., displays four different destinations; each destination comes with its the address, appointment time,

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task description, and expected time. The expected time shows to that the vehicle operator is late, indicating an exception.

With regard to claim 50, as represented above, Westerlage et al. disclose a display for displaying destination information regarding the appointment time, and the expected arrival time for each destination.

Claim 59:

With respect to claim 59, the reference to Westerlage et al. has been cited as disclosing a system and method for monitoring a vehicle from a dispatch. Said vehicle is equipped with a mobile unit includes a dispatch remotely located from the vehicle (Westerlage et al., column 1, lines 44-65). As clearly illustrated by Westerlage et al, the dispatch (20) (Westerlage et al, figure 1, dispatch 20) is remotely located from the vehicle (40) generates destination information and transmits such the information to the vehicle. The destination information includes one or more destination, appointment information, tasks should be done, etc. (Westerlage et al, column 3, lines 1-12). In addition, Westerlage et al. teach the following: determining whether the vehicle has reached a waypoint, whether the vehicle is still in route or out of route condition. If the vehicle is off route, the vehicle operator will receive the destination information regarding the expected arrival time at one destination or a plurality of destination. These arrival times may be changed due to the off route condition or other reasons (Westerlage et al, figure 4; column 9, lines 55-65; column 10, lines 24-42).

With regard to claims 77-79, Westerlage et al explains that the destination information transmitted from the dispatch includes a plurality of destinations. For



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example, the display (60), as shown in figure 4 of Westerlage et al., displays four different destinations; each destination comes with its the address, appointment time, task description, and expected time. The expected time shows to that the vehicle operator is late, indicating an exception.

### ***Conclusions***

The prior art made of record, which are listed in PTO-892, and not relied upon are considered pertinent to applicant's disclosure includes the following: Segal et al.'s, and Mathis's.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (703) 308-6273. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Patent Examiner,

A handwritten signature in black ink, appearing to read 'Tuan C To', is written over a horizontal line. The signature is stylized with a large, sweeping initial 'T' and a long, horizontal stroke extending to the right.

Tuan C To

Date: June 10, 2004